

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WELLS FARGO BANK, N.A.

Interpleader Plaintiff,

v.

ESM FUND I, LP, et al.,

Defendants.

10-CV-7332

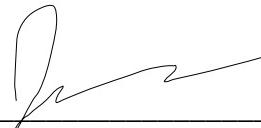
NOTICE OF INTERPLEADER
DEFENDANTS ESM FUND I, LP,
COMPASS SAV LLC, COMPASS
OFFSHORE SAV PCC LTD., AND
ESM MANAGEMENT LLC'S
MOTION FOR RELIEF UNDER
RULES 23 AND 83

ORAL ARGUMENT IS
REQUESTED

PLEASE TAKE NOTICE that, pursuant to Rules 23 and 83 of the Federal Rules of Civil Procedure, and in accordance with the Court's Individual Rules of Practice, upon the annexed declaration of Laura E. Krabill and the supporting documentation attached as exhibits thereto and upon the August 29, 2012 Memorandum of Law of ESM Fund I, LP, Compass SAV LLLC, Compass Offshore SAV PCC Ltd., and ESM Management LLC (the "ESM Parties") in Support of their Motion for Relief Under Rules 23 and 83, the ESM Parties hereby move for an order limiting or monitoring communications by Interpleader Defendant, Financial Security Assurance Inc. n/k/a Assured Guaranty ("Assured"), with unrepresented certificateholders whose interests are impacted by this lawsuit and granting such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, shall be served in accordance with Rule 6.1 of the Local Rules for the Southern District of New York and the Federal Rules of Civil Procedure.

Dated: August 29, 2012



Jarrett M. Behar, Esq.
Sinnreich Kosakoff & Messina LLP
267 Carleton Avenue, Suite 301
Central Islip, New York 11722
p: (631) 650-1200
f: (631) 650-1207

OF COUNSEL:

M. Norman Goldberger (admitted *pro hac vice*)
Laura E. Krabill (admitted *pro hac vice*)
Ballard Spahr LLP
1735 Market Street, 51st Fl.
Philadelphia, PA 19103
p: (215) 864-8848
f: (215) 864-9756

Attorneys for ESM Fund I, LP, Compass SAV LLC, Compass Offshore SAV PCC Ltd., and ESM Management LLC